

PATENT

D. REMARKS

Status of the Claims

Claims 1, 3-9, 11-17, and 19-24 are currently present in the Application, and claims 1, 9, and 17 are independent claims. Claims 1, 3, 4, 9, 11, 12, 17, 19, and 20 have been amended, and claims 2, 10, and 18 have been cancelled.

Examiner Interview

Applicants wish to thank the Examiner for the courtesy extended to Applicants' attorney during a telephone interview on January 4, 2006. Both the Heinlein and Bayer references were discussed during the interview. Applicants' attorney noted that neither Heinlein nor Bayer determines whether a client is authorized to vote. Heinlein does not appear to have any need to determine whether or not a client is authorized to vote, as team members who are present at a meeting would be presumed to be authorized to vote. Bayer checks a cookie to see if a person is registered to vote, but if the person is not registered, Bayer then creates a registration. Bayer checks another cookie to see if the person has already voted. However, neither of these checks is analogous to determining if a client is authorized to vote, as taught and claimed by Applicants. This is discussed more fully below. Applicants also suggested adding further elements to the independent claims in order to claim aspects of Applicants' invention pertaining to compiling a voter data list and then sending the voter data list to a mail forwarding service which sends out vote requests. The Examiner indicated that these proposed amendments may overcome the prior art of record, but that he would need to review the prior art in more detail and do another search. No agreement was reached on the claims.

Docket No. AUS920010723US1

Page 9 of 17
Clark, et. al. - 09/941,252

Atty Ref. No. 1041

PATENT

Drawings

The Office Action did not indicate whether the formal drawings filed by the Applicants are accepted by the Examiner. Applicants respectfully request that the Examiner indicate whether the drawings filed on August 28, 2001 are accepted by the Examiner in the next communication.

Claim Rejections - Alleged Anticipation Under 35 U.S.C. § 102

Claims 1, 5, 6, 9, 13, 14, 17, 21, and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Heinlein et al., U.S. Patent No. 5,800,181 (hereinafter Heinlein). Applicants respectfully traverse the rejections under 35 U.S.C. § 102.

Independent claims 1, 9, and 17 have been amended to include limitations previously found in dependent claims 2, 10, and 18 respectively. Independent claims 1, 9, and 17 have further been amended to include elements pertaining to compiling a voter data list of authorized voters, sending the voter data list to a mail forwarding service which sends out vote requests, and determining if a client is authorized to vote. Support for these amendments is found in Applicants' specification at, for example, page 12, line 26 through page 13, line 27 (also see Figure 3). Support for these amendments is also found in Applicants' specification at, for example, at page 14, lines 10-30 (also see Figure 4), and at page 16, line 24 through page 17, line 13 (also see Figure 5). No new matter has been added as a result of these amendments.

Applicants teach and claim a method, system, and computer program product to manage and record electronic voting messages. To anticipate a claim, the reference must teach every element of the claim (Manual of Patent Examining

PATENT

Procedure § 2131). Applicants respectfully submit that Heinlein does not teach every element of Applicants' independent claims. Heinlein purports to teach "a computer network for gathering information" by providing a way "for team members to submit their ideas anonymously in a meeting so that people uncomfortable with speaking in front of a group can share their ideas" (col. 3, lines 16-27). Automatic voting is provided so that team members can quickly reach a consensus (col. 3, lines 27-29). Heinlein does not teach several elements found in Applicants' independent claims. For example, Heinlein does not teach "compiling a voter data list that includes a plurality of authorized voters," and then "sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters." Heinlein would have no need to do this, as the "voters" in Heinlein are those team members who are physically present at the meeting.

In addition, Heinlein does not teach, and indeed has no need for "determining, based on the voter data list, whether the client is authorized to vote." Everyone present at the team meeting votes on issues that are raised, as the purpose of Heinlein is to reach a consensus amongst those team members who are attending the meeting. Therefore, a team member who is present at the meeting would presumably be authorized to vote, and there would be no need to consult a voter data list to determine if a particular team member is authorized to vote.

Because Heinlein does not teach "determining, based on the voter data list, whether the client is authorized to vote," Heinlein also does not teach taking any action in response to

PATENT

determining that the client can or can not vote. Specifically, Heinlein does not teach in response to determining that the client is authorized to vote, "removing an identity of the client from the electronic voting message, wherein the removing results in an anonymous message," and "identifying one or more votes in the anonymous message," as taught and claimed by Applicants. Nor does Heinlein teach "in response to determining that the client is not authorized to vote, disregarding the electronic voting message," as taught and claimed by Applicants.

For the reasons set forth above, Applicants respectfully submit that independent claims 1, 9, and 17 are not anticipated by Heinlein, and therefore respectfully request that independent claims 1, 9, and 17, and the claims which depend from them, be allowed.

Claim Rejections - Alleged Obviousness Under 35 U.S.C. § 103

Claims 2-4, 7, 8, 10-12, 15, 16, 18-20, 23, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Heinlein in view of Bayer et al., U.S. Patent No. 6,311,190 (hereinafter Bayer). Applicants respectfully traverse the rejections under 35 U.S.C. § 103.

As noted above, independent claims 1, 9, and 17 have been amended to include limitations previously found in dependent claims 2, 10, and 18 respectively. Therefore, Applicants will discuss the obviousness rejections with regard to amended, independent claims 1, 9, and 17.

Using claim 1 as an exemplary claim, Applicants' independent claims include the following elements:

- compiling a voter data list that includes a plurality of authorized voters

PATENT

- sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters
- receiving the electronic voting message from a client
- determining, based on the voter data list, whether the client is authorized to vote
- in response to determining that the client is authorized to vote, performing the following:
 - removing an identity of the client from the electronic voting message, wherein the removing results in an anonymous message
 - identifying one or more votes in the anonymous message
- in response to determining that the client is not authorized to vote, disregarding the electronic voting message

As discussed above, Heinlein does not disclose "compiling a voter data list that includes a plurality of authorized voters," and then "sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters," as taught and claimed by Applicants. Applicants respectfully submit that Bayer does not disclose these elements either. Bayer purports to teach "a system for conducting surveys over a network to multiple voters in multiple countries throughout the world in different languages" (col. 2, lines 9-12). While Bayer does discuss the use of voter registration, it appears that registration is used to select voter preferences,

PATENT

such as language (col. 2, lines 29-32; also see col. 14, lines 53-65; also see col. 25, line 34 through col. 26, line 8). Registration does not appear to be mandatory, because if a voter has not registered, the system in Bayer creates a registration for the voter (col. 14, line 65 through col. 15, line 31). A non-mandatory registration process, as disclosed by Bayer, is not analogous to "compiling a voter data list that includes a plurality of authorized voters," as taught and claimed by Applicants. Further, Bayer does not teach or suggest "sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters," as taught and claimed by Applicants. Rather than sending out vote requests to specific authorized voters, Bayer appears to allow anyone who wants to respond to its surveys to do so.

Also, as discussed above, Heinlein does not disclose "determining, based on the voter data list, whether the client is authorized to vote." Bayer does not disclose this element either. Nor does Bayer discuss performing specific actions in response to this determination (i.e. removing the identity of the client and identifying one or more votes), as taught and claimed by Applicants. The Examiner cites Bayer at col. 25, lines 26-30 as disclosing evaluating a person to determine if they are eligible to vote (see Office Action, page 4, lines 15-16). However the cited portion of Bayer reads as follows:

LangQuestion table 180, with information (responses' text) existing in the records of the SubQuestion table 181, and their related records (translated responses' text) in the LangSubQuestion table 183. The information received from

PATENT

the administrator's computer 17 is applied by the network server 12 to add or

Applicants are unsure if this is a typographical error in the Office Action, as the cited section does not appear to have anything to do evaluating a person to see if they are eligible to vote.

Bayer does discuss a registration process, including a Registration Digital ID (col. 2, lines 29-32; also see col. 10, lines 21-23; also see col. 14, lines 53-65; also see col. 25, line 34 through col. 26, line 33). However, as discussed above, registration does not appear to be mandatory, because if a voter has not registered, the system in Bayer creates a registration for the voter (col. 14, line 65 through col. 15, line 31). The registration described by Bayer does not appear to be mandatory, and a voter does not appear to be prevented from voting based on whether or not he has pre-registered for a particular survey. Bayer also checks to see if a person has already voted, so that one voter can not vote multiple times in the same survey (col. 10, lines 33-37). However, ensuring that a person only votes once is not the same as "determining, **based on the voter data list**, whether the client is **authorized** to vote," as taught and claimed by Applicants. Bayer is not determining whether the voter is authorized to vote, but is merely making sure that the same voter does not vote more than once. Further, Bayer is not using a "voter data list" of authorized voters, as taught and claimed by Applicants.

Because Bayer does not teach or suggest "determining, based on the voter data list, whether the client is authorized to vote," Bayer also does not teach or suggest taking any action in response to determining that the client can or can not vote.

PATENT

Specifically, Bayer does not teach or suggest *in response to determining that the client is authorized to vote*, "removing an identity of the client from the electronic voting message, wherein the removing results in an anonymous message," and "identifying one or more votes in the anonymous message," as taught and claimed by Applicants.

Bayer also does not teach or suggest "in response to determining that the client is not authorized to vote, disregarding the electronic voting message," as taught and claimed by Applicants. As discussed above, Bayer does not determine whether or not a voter is authorized to vote. However, even assuming for the sake of argument that Bayer did make this determination (and Applicants strongly disagree that Bayer makes this determination), Bayer does not disregard any voting messages. For example, as shown in Figure 12 of Bayer, if a voter is not permitted to vote (step 88), either because the voter has already voted (col. 14, lines 42-50) or because the voter's computer does not accept cookies (col. 14, lines 26-32), then a results page is constructed (see Figure 14). Rather than disregarding the voter's electronic voting message, Bayer constructs a results page for the voter, showing him the survey results to date.

For the reasons set forth above, Applicants respectfully submit that independent claims 1, 9, and 17 are patentable over Heinlein in view of Bayer. Therefore, Applicants respectfully request that independent claims 1, 9, and 17, and the claims which depend from them, be allowed.

Conclusion


As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition

PATENT

for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

By 
Leslie A. Van Leeuwen, Reg. No. 42,196
Van Leeuwen & Van Leeuwen
Attorneys for Applicant
Telephone: (512) 301-6738
Facsimile: (512) 301-6742